



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,152	03/27/2007	Hisao Tanaka	450106-05226	9468

7590 07/22/2009
William S Frommer
Frommer Lawrence & Haug
745 Fifth Avenue
New York, NY 10151

EXAMINER

DAZENSKI, MARC A

ART UNIT	PAPER NUMBER
----------	--------------

2621

MAIL DATE	DELIVERY MODE
-----------	---------------

07/22/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/560,152	TANAKA ET AL.	
	Examiner	Art Unit	
	MARC DAZENSKI	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 15 May 2009 have been fully considered but they are not persuasive.

On pages 8-9 of the remarks, Applicant argues, "nothing in Kikuchi, et al, shows, teaches or suggests that each reproduction history information includes information about a reproduction method including at least one of a tape-like reproduction method, a clip designation reproduction method and an edit list designation reproduction method as claimed in claims 12-15." The examiner respectfully disagrees.

Kikuchi discloses a method of a user subdividing a title and specifying a part of the title to be reproduced later (see column 11, lines 38-44 as well as figure 9), wherein the "PTT information" reads on the claimed, "information about a reproduction method," and "specifying a part of a title" reads on the claimed, "a clip designation reproduction method that reproduces a designated clip." The reproduction process that utilizes this playback interrupt information table is disclosed at column 18, lines 30-45.

A full rejection of the pending claims appears below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2621

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikuchi et al (US Patent 6,532,334), hereinafter referred to as Kikuchi.

Regarding **claim 12**, Kikuchi discloses information reproducing system, information recording/reproducing system, and recording medium applicable to the system. Further, Kikuchi discloses a system which records and reproduces the digital moving-picture information on and from a disk, which reads on the claimed, "an information process apparatus that performs a record and reproduction process for data," as disclosed at column 12, lines 30-35 and exhibited in figure 15; the apparatus comprising:

utilizing playback control information (102) including a management information table PLY_MAT (122) as well as a program chain ("PGC") information table PGCIT, which are data necessary for playback, the data being recorded on optical disk (10) which has video data and audio data and other information, which reads on the claimed, "reproduction means for performing a reproduction process that reads and reproduces desired material data from a record medium according to the management information file, the material data containing pictures and sound and the management information file managing a file of the material data being recorded on the record medium that is

Art Unit: 2621

attachable and detachable to and from the information process apparatus,” as disclosed at column 4, lines 33-35; column 8, lines 20-39; and exhibited in figures 1, and 3;

MPU of the microcomputer block (30) functioning as if it had a playback end information setting section (30A) by writing playback interrupt information table (124) into the disc, the table (124) including the title number of the title whose playback has been interrupted, the cell ID whose playback has been interrupted, and when the playback picture is a still picture, the time the still picture lasts and the remaining time of the still picture during the interruption of the playback are written, and further the elapsed time in reproducing a cell is written as interrupt information, which reads on the claimed, “generation means for generating reproduction history information about the reproduction process of the reproduction means, the reproduction history information composed of identification information of reproduced material data, information about a reproduction end position, and information about a reproduction method, wherein the reproduction method includes at least one of a tape-like reproduction method that successively reproduces all clips recorded on the recording medium, a clip designation reproduction method that reproduces a designated clip, and an edit list designation reproduction method that reproduces a designated unit of an edit list,” as disclosed at column 11, lines 24-67 (with particular emphasis on lines 24-34 and lines 44-48) and column 15, lines 5-8, as well as exhibited in figures 6 and 9;

the playback interrupt information table (124) having been provided as an independent file at the same level of hierarchy as that of the playback management table (122), which reads on the claimed, “record means for recording a list of the

Art Unit: 2621

reproduction history information generated by the generation means as one file different from the management information file on the record medium,” as disclosed at column 12, lines 1-16 (with particular emphasis on lines 9-12) and exhibited in figure 6;

MPU of the microcomputer block (30) functioning as if it had a playback end information takeout section (30B) for taking out playback end information, which reads on the claimed, “read means for reading the list of the reproduction history information recorded on the record medium by the record means,” as disclosed at column 15, lines 5-15;

MPU of the microcomputer block (30) functioning as if it had a playback information resume specifying section (30C) for giving an instruction to resume playback using the playback information, which reads on the claimed, “reproduction command accepting means for accepting a reproduction command for the material data,” as disclosed at column 15, lines 5-15; and,

after the DVD disk (10) has been loaded into the DVD recorder, when the playback is resumed by pressing the resume playback key, the playback interrupt information table is first read from the disk, and on the basis of the playback interrupt information in the playback interrupt information table, the video object is determined, and further the PGC number to be reproduced, cell number and VOB number are determined on the basis of the playback interrupt information in the playback interrupt information table, which reads on the claimed, “reproduction control means for referencing the list of the reproduction history information read by the read means, specifying material data to be reproduced and a reproduction start position according to

Art Unit: 2621

reproduction history information according to a reproduction method designated by the reproduction command accepted by the reproduction command accepting means, controlling the reproduction means, and starting the reproduction process from the reproduction start position of the specified material data,” as disclosed at column 16, lines 46-58 and column 18, lines 30-45.

Regarding **claim 13**, the examiner maintains the claim is the corresponding method to the apparatus of claim 12, and therefore the limitations of the claim are rejected in view of the explanation set forth in claim 12 above.

Regarding **claim 14**, the examiner maintains the claim is the corresponding program executing the method of the method of claim 13, and therefore the limitations of the claim are rejected in view of the explanation set forth in claim 13 above.

Regarding **claim 15**, the limitations of the claim are rejected in view of the explanation set forth in claim 12 above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ogikubo (US Patent 7,099,239) discloses information record and playback apparatus and computer program having a resume function based on recorded playback stop position information.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC DAZENSKI whose telephone number is (571)270-5577. The examiner can normally be reached on M-F, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/MARC DAZENSKI/
Examiner, Art Unit 2621